

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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UNITED STATES OF AMERICA,

Plaintiff,

v.

DIAMOND STATE SALVAGE COMPANY, INC.,  
ESTATE OF HERBERT SHERR,  
NANCY A. SHERR, EXECUTRIX of the  
ESTATE OF HERBERT SHERR,  
BARBARA SHERR KLEGER,

and

DELMARVA POWER & LIGHT COMPANY,

Defendants.

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Civil Action No. 05-76

Judge

NOTICE OF LODGING  
OF CONSENT DECREE

**PLAINTIFF UNITED STATES OF AMERICA'S**  
**NOTICE OF LODGING OF CONSENT DECREE**


The United States is lodging with the Court a proposed Consent Decree resolving the liabilities of defendants Estate of Herbert Sherr, Nancy A. Sherr, Executrix of the Estate of Herbert Sherr, Barbara Sherr Kleger, and Delmarva Power & Light Company, under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9607(a), for the Diamond State Salvage Superfund Site in Wilmington, New Castle County, Delaware. The terms of the settlement is set forth in the proposed Consent Decree.

The United States requests that the Court not sign the proposed Consent Decree at this time. Pursuant to Department of Justice regulations codified at 28 C.F.R. § 50.7, the United States is required to publish in the Federal Register a notice that the proposed Consent Decree has been lodged with the Court. The notice will solicit public comment for a period of thirty (30) days. During the comment period, no action is required by the Court. After the close of the comment period, the United States will evaluate any comments received and will request the Court to take appropriate action regarding the Consent Decree.

Respectfully submitted,


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By:

  
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**CERTIFICATE OF SERVICE**

I, Patricia C. Hannigan, hereby certify that this 1st day of April, 2005, I electronically filed the foregoing **Plaintiff United States of America's Notice of Lodging of Consent Decree** with the Clerk of the Court using CM/ECF. Notification of such filing will be served by First Class Mail on the following:

**Glen Harris, Esquire**  
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Notification of filing will be hand-delivered to the following:

**PHI Service Company**  
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COLM F. CONNOLLY  
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By: /s/Patricia C. Hannigan  
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